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J1031 U.S. PTO

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PTO/SB/05 (03-01)  
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J1036 U.S. PTO  
09/918951

07/31/01

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **96700/680**  
First Inventor **David Alland, et al.**  
Title **THE *iniB*, *iniA* AND *iniC* GENES OF MYCOBACTERIA AND METHODS OF USE**  
Express Mail Label No. **EL613248336US**

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **33**]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **10**]
5. Oath or Declaration [Total Pages **1**]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

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Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☐ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. **09/177,349**

Prior application information Examiner **Rodney P. Swartz, Ph.D** Group Art Unit **1645**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

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Signature *Elie Gendloff* Date **July 31, 2001**

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July 31, 2001

via Express Mail

Assistant Commissioner for Patents  
Washington, D.C. 20231

Box Patent Application

Re: New U.S. Application (Small Entity), a Continuation under 37 CFR 1.53(b)(1) of Serial No. 09/177,349 Filed on October 23, 1998, now U.S. Pat. No. 6,268,201 Issued on July 31, 2001  
Title: THE iniB, iniA AND iniC GENES OF MYCOBACTERIA AND METHODS OF USE  
Inventors: David Alland, Barry R. Bloom and William R. Jacobs, Jr.  
Our File: 96700/680

Sir:

Enclosed please find a new Patent Application, claiming small entity status, which is a Continuation under 37 CFR 1.53(b)(1) of parent application, Serial No. 09/177,349 filed on October 23, 1998, now U.S. Patent 6,268,201 issued on July 31, 2001 in the names of David Alland, Barry R. Bloom and William R. Jacobs, Jr., entitled THE iniB, iniA AND GENES OF MYCOBACTERIA AND METHODS OF USE, comprising the following:

1. a Utility Patent Application Transmittal form (1 page);
2. a Preliminary Amendment (2 pages);

"Express Mail" mailing label No. EL6132483361US

Date of Deposit: July 31, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Name: Elie H. Gendloff

Signature: 

July 31, 2001


3. a Specification (27 pages), Claims (5 pages) and an Abstract (1 page);
4. drawings (Figures 1-7; 10 sheets)
5. a Declaration and Power of Attorney (1 page, copy from prior application); and
6. a Return receipt postcard.

Please acknowledge receipt of the enclosed documents by stamping the enclosed postcard and returning same.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN  
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Dated: New York, New York  
July 31, 2001

By:   
Elie H. Gendloff  
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EHG/lm  
Enclosures